

No.

IN THE SUPREME COURT OF THE UNITED STATES

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JONATHAN DOUGLAS RICHARDSON,  
Petitioner,

-v-

STATE OF NORTH CAROLINA,  
Respondent.

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**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE  
PETITION FOR WRIT OF CERTIORARI**

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TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE  
UNITED STATES AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT:

NOW COMES petitioner, Jonathan Douglas Richardson, pursuant to Supreme Court Rule 13.5, and respectfully requests a sixty-day extension of time for filing a petition for a writ of certiorari to the Supreme Court of North Carolina, such extension to include February 20, 2024. *See* Supreme Court Rule 30.1. This application is submitted more than ten days prior to the scheduled filing date for the petition, which is currently December 20, 2023. In support of this application, petitioner shows the following:

1. This is a capitally-trying case resulting in a death sentence, in which petitioner plans to file in this Court a petition for a writ of certiorari seeking review of the final judgment by the Supreme Court of North Carolina in the direct appeal

of petitioner's convictions, his death sentence for first-degree murder, and an additional term-of-years sentence for joined non-capital felonies.

2. Petitioner was convicted of first-degree murder, felony child abuse inflicting serious injury, first-degree kidnapping, and sexual offense with a child in Johnston County Superior Court, North Carolina on March 25, 2014. The first-degree murder verdict was based on murder by torture and felony murder in the perpetration of non-capital felonies. On April 3, 2014, petitioner was sentenced to death for first-degree murder and to a term of years for the remaining convictions. The North Carolina Supreme Court affirmed Mr. Richardson's convictions on direct appeal in an opinion filed on September 1, 2023. *State v. Richardson*, No. 272A14, slip op. (N.C. 2023). The Supreme Court of North Carolina entered its judgment affirming the convictions and sentences on September 21, 2023. Under N.C. R. App. P. 32(b), the judgment entered on September 21, 2023 is the actual judgment in the direct appeal. Copies of the September 1, 2023 opinion and of the September 21, 2023 judgment of the Supreme Court of North Carolina are attached to this application as Exhibits A and B, respectively.

3. Since the judgment of the Supreme Court of North Carolina was entered on September 21, 2023, petitioner's Petition for Writ of Certiorari must be filed on or before December 20, 2023.

4. The Supreme Court of North Carolina rejected petitioner's Federal constitutional challenge to the State's use of a peremptory challenge to remove a Black woman as a potential juror under the Fourteenth Amendment to the United

States Constitution and this Court's decisions in *Batson v. Kentucky*, 476 U.S. 79 (1986), and *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127 (1994). Petitioner intends to raise this issue in this Court under the jurisdiction conferred by 28 U.S.C. § 1257.

5. Assistant Appellate Defender James R. Grant is counsel of record and a member of the Bar of this Court. Since entry of judgment by the Supreme Court of North Carolina on September 21, 2023, Mr. Grant and his co-counsel, Assistant Appellate Defender Kathryn L. VandenBerg and Appellate Defender Glenn Gerding, have been involved in other litigation and administrative matters and have been unable to prepare the petition.

6. Mr. Grant has filed three principal briefs in state court since entry of the judgment in this case, along with a reply brief, and a petition for writ of certiorari. He has three briefs due over the next two months and is also in the process of reviewing the transcript in a different capital murder case on direct appeal. From October 25-27, he served as faculty at a three-day training for appellate attorneys.

7. Ms. VandenBerg has filed four principal briefs since August, along with a reply brief, a petition for discretionary review, and a petition for certiorari. She also recently argued twice in North Carolina's appellate courts. She has three briefs in serious felony cases due between now and February. Ms. VandenBerg was away from the office from October 3-15 and, like Mr. Grant, assisted with a three-day training from October 25-27.

8. Mr. Grant and Ms. Vandenberg have also been involved in several consultations, moots, and brainstorming sessions with counsel across the State of North Carolina, as part of their duties as Assistant Appellate Defenders.

9. Mr. Gerding has been unable to prepare the petition due to his administrative responsibilities as the Appellate Defender of North Carolina.

10. This sixty-day extension is fully justified and necessary. The extension will give counsel sufficient time to draft the petition for a writ of certiorari in this case as well as complete their other work.

11. Petitioner remains incarcerated without an execution date. No person has been executed in North Carolina since 2006. No prejudice to Respondent's concerns will result from this requested extension.

WHEREFORE, petitioner respectfully requests that an order be entered extending the time for filing a petition for a writ of certiorari in this matter to and including February 20, 2024.

Respectfully submitted this 30<sup>th</sup> day of November, 2023.



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JAMES R. GRANT\*  
Assistant Appellate Defender  
James.R.Grant@nccourts.org

KATHRYN L. VANDENBERG  
Assistant Appellate Defender  
Kathryn.L.VandenBerg@nccourts.org

GLENN GERDING  
Appellate Defender  
Glenn.Gerding@nccourts.org

Office of the Appellate Defender  
123 West Main Street, Suite 500  
Durham, North Carolina 27701  
(919) 354-7210

\*Counsel of Record

**LIST OF EXHIBITS**

Opinion of the Supreme Court of North Carolina in

*State v. Richardson*, 891 S.E.2d 132 (2023) ..... Exhibit A

Judgment of the Supreme Court of North Carolina in

*State v. Richardson*, 891 S.E.2d 132 (2023) ..... Exhibit B